IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.5631 of 2006
Date of Decision : October 27, 2006.

Gurnam Singh and others ..... Petitioners

Vs.

Salwant Singh and others ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.Munishwar Puri, Advocate
for the petitioners.

* * *

P.S.Patwalia, J. (Oral) :

The present revision petition has been filed against the order dated 8.9.2006 vide which the trial court has granted the defendant-applicant permission to lead secondary evidence to produce sale deed dated 30.6.1997.

Learned counsel for the petitioner, plaintiff in the suit, contends that in the present case the trial court has not satisfied itself that the original of the sale deed was lost before permitting him to lead secondary evidence. I however find no merit in the contention of the learned counsel. A reading of the order of the trial court would show that it has been noted therein that

the defendant at the very outset, in his written statement, had contended that the original sale deed was lost. Still further learned counsel for the petitioner himself has contended before me that even before the revenue authorities when mutation was to be sanctioned, the respondent (who was an applicant there), was directed to produce the sale deed but he could not do so. On account of his not producing the original sale deed, the mutation was not sanctioned. This, to my mind, further goes to prove that the original of sale deed was indeed lost. I may also notice that the sale deed is otherwise a registered document.

Learned counsel then contended that it is the stand of the petitioner, plaintiff in the suit, that the sale deed is forged and fabricated document. I need not dilate on this issue as this is a matter of evidence which would be gone into by the trial court.

In view of the aforesaid facts, I find no error in the view taken by the trial court . The present revision petition is accordingly dismissed.

October 27, 2006 (P.S.Patwalia)
monika Judge